



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

September 21, 2012

Subject: Private Road Easement Application

Dear _____:

Thank you for your interest in applying to purchase a private road access easement. The Department of Natural Resources (DNR) is happy to work with you in determining whether your request can be granted. In an effort to provide better customer service, we have put together an outline of information that is needed in order for the DNR to move forward with reviewing your request for a private road access easement.

There is both information that we'll need from you, as well as information we want to share with you. Our goal is twofold – to help speed the process and to explain the DNR's role and responsibility in reviewing these requests.

Enclosed please find:

- the Private Road Easement Application (PREA) form;
- contact/location information for DNR operation service centers (OSC); and
- an excerpt from Michigan Compiled Laws, outlining the DNR's responsibilities and guidelines with regard to easements (under Public Act 451 of 1994).

There is a lot of work that goes into the review of a private road easement request. Before granting an easement, the DNR has to consider a variety of competing interests, ensure we work within the existing legal framework, and weigh the potential effects on the public land we're charged with protecting and managing for the enjoyment of everyone. For all of these reasons, we recommend that you first explore all other possible access routes before submitting your application.

Local Assistance

Before submitting your application package, please contact the staff at your nearest OSC. Staff in these offices will be able to provide you with the contact information to schedule a meeting. This meeting will serve as an opportunity for you to discuss your proposal, including the route of the easement, with appropriate DNR staff. You will also learn what specifications the DNR will require for the easement survey that will be submitted with your application. This will help to ensure that your application is complete once you submit it and prevent the potential need for multiple surveys. In addition to determining the appropriate route for your easement request and the survey requirements, DNR staff can also provide insight and suggestions that may prove helpful.

While local DNR staff will provide their best effort to assist you in delivering a complete and thorough application package, the final authority to approve or deny your easement request rests with the DNR director. This authority is governed by the Natural Resources and Environmental Protection Act (PA 451 of 1994). As mentioned above, we have included a reference page explaining the specific legal constraints the DNR must consider when evaluating private easements on public lands.

Supporting Documents and Information

To help us fully understand your proposed easement, please fill out the enclosed application. It's designed to provide the information we need to perform an initial review and make our best decision within the required timeframe. **This application must be completed and submitted along with all required documentation as part of your application package.** If your proposal meets the legally mandated criteria of Act 451, we will move to the full review where we can evaluate potential impacts to the land.

Please provide any information that you think is relevant to and supportive of your easement request. At minimum, the following items must be included:

- Completed Private Road Easement Application also signed by local DNR staff following the pre-application meeting;
- A copy of the deed for your parcel;
- The local tax identification number of your parcel;
- The results of a title search on all real estate transactions involving the parcel and its parent parcel(s) for the past 40 years;
- If available, provide a copy of your title insurance policy for the parcel to be accessed;
- A detailed map showing the following:
 - The location of your property in relation to nearby public or private roads;
 - Indicate the property that you own and the approximate location desired for the requested easement;
 - Indicate the state-owned land in relationship to your property and the requested easement;
 - If deed research indicates that your parcel was split from a larger parent parcel (as described in Section 560.108 of the Land Division Act of 1967, Public Act 288), show the location of that residual parent parcel in relation to the location of your parcel (please see attached excerpt); and
- A recordable survey describing the route of your requested easement as well as a legal description of the land to be benefitted by the easement, that meets the DNR specifications that were provided at the pre-application meeting.

The DNR will review the documents that you have submitted and will make a determination within 30 days of receiving the application as to whether or not it is complete. If the DNR determines that your application is not complete, you will be notified as to what specific information is needed in order to complete your application.

Additional Help, Suggested Resources

If you require assistance or guidance in researching or gathering the required documents, please consider working with a private title company, your local Register of Deeds office, a real estate agent or an attorney who specializes in real estate law.

In summary, in order to apply for an easement, please 1) schedule a pre-application meeting with the appropriate local DNR staff, 2) obtain a survey describing the route of your requested easement as established at the pre-application meeting, 3) complete the PREA form, 4) attach the required documentation (as outlined above) and 5) submit the packet and the required application fee to the DNR at the address shown on the PREA form. Your application will then be reviewed. If your application is approved, you will receive an invoice for the easement fee. Once the invoice is paid, you will receive the easement document. If you have general questions about the application process or the PREA form please do not hesitate to contact me at (517) 241-3455.

Thank you again for contacting the DNR. We look forward to hearing more details about your proposed easement, and our staff is here to assist you throughout every step of the application and review process.

Sincerely,

Marlene Harris
Real Estate Services

Enclosures